

REMARKS

Claims 1, 2 and 4 through 18 are pending in this Application, of which claims 4 through 18 stand withdrawn from consideration pursuant to the provisions of 37 C.F.R. §1.142(b). Claims 1, 4, 5, 7, 13, 14, and 15 have been amended and claims 3, 19 and 20 cancelled. Care has been exercised to avoid the introduction of new matter. Specifically, the limitations of claim 3, indicate allowable, have been incorporated into claim 1, the dependencies of claims 4 and 5 appropriately changed, claim 7 (indicate allowable) placed in independent form, and claim 13 amended to avoid redundancy. Non-elected (withdrawn) claims 14 and 15 have also been amended so that claim 14 is commensurate in scope with claim 1 by incorporating limitations from claim 15 therein, and claim 15 appropriately amended. Applicants submit that the present Amendment does not generate any new matter issue.

Request for Rejoinder.

As claims 1 and 14 are basically commensurate in scope, Applicants solicit rejoinder of non-elected method claims 14 through 18, pursuant to the provisions of MPEP §821.04.

Telephonic interview on December 22.

Applicants express appreciation for Examiner Falasco's courtesy in conducting a telephonic interview on December 22, 2003. During the interview, it was proposed to amend claim 1 by incorporating limitations of claim 3 therein. Examiner Falasco advised that he did not have authority to make a commitment, but that he would favorably consider an Amendment to that effect.

Claims 1, 2, 6, 11, 12, 19 and 20 were rejected under the first paragraph of 35 U.S.C. § 112 for lack of adequate enabling support.

This rejection is traversed. Indeed, this rejection has been rendered moot by incorporating limitations from claim 3, indicated allowable, into claim 1, and canceling claims 19 and 20.

The gravamen of the Examiner's rejection pivots about the identity of the non-magnetic interlayer. That issue has been rendered moot by incorporating limitations of claim 3 into claim 1, thereby identifying the non-magnetic interlayer consistent with the written description of the specification as, for example, page 7 of the written description, lines 15 through 19. Thus, one having ordinary skill in the art would have no difficulty practicing the now claimed invention given the express disclosure with respect to the non-magnetic interlayer.


Applicants, therefore, submit that the imposed rejection of claims 1, 2, 6, 9, 10, 11, 12, 19 and 20 under the first paragraph of 35 U.S.C. §112 for lack of adequate enabling support is not viable and, hence, solicit withdrawal thereof.

Based upon the foregoing it should be apparent that imposed rejection has been overcome. Moreover, Applicants again **solicit rejoinder** of non-elected method claims 14 through 18, pursuant to the provisions of MPEP §821.04. Applicants submit that all pending claims are in condition for immediate allowance. Favorable consideration, is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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